



New Jersey Courts

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ESSEX VICINAGE 2020 LAW DAY



MOCK TRIAL PROGRAM GUIDE

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What is a Mock Trial?

A mock trial is a simulation of an actual trial that would take place in a trial court for a civil or criminal case. The purpose of our mock trial program is to educate students on the legal system and court processes as well as allow them to interact with judges, attorneys and other legal professionals. A fact pattern, which is utilized as the script, provides a summary of the details of the case to be presided over.

In Essex, interested groups may register to participate in a mock trial and other activities as part of the annual Law Day Program. Registration information can be found in the late fall and early winter months (starting in November or December) on the Judiciary's website <http://www.njcourts.gov/courts/vicinages/essex/lawday.html>. The date of the mock trial is provided in advance so that schools may determine their availability to participate prior to registering. At the end of the registration deadline, the Essex Vicinage Law Day Committee gathers the information and pairs each school with a mock trial team consisting of a judge and two attorneys. A sheriff's officer may also be present to accompany the judge. The judge assumes his or her respective role by presiding over the case, explaining his/her role, providing instructions and answering any questions, the teachers and students may have. Attorneys may consist of the judge's law clerk, a volunteer attorney or other court professional. Their role is to serve as the attorneys for the plaintiff(s) and/or defendant(s). If the school or group chooses to have the students act in the role of the attorneys, the volunteer attorneys are available to advise, coach and provide support for the students. Interaction between the volunteers and the school's coordinator in advance of the mock trial date is encouraged. This provides the school the opportunity to determine the role the volunteer attorneys will play as well as prepare for the mock trial.

The benefits of conducting a mock trial reach far beyond the educational component of learning about the legal system. Students and participants are provided an opportunity to develop and enhance leadership and public speaking skills, fine tune critical and analytical thinking abilities, and develop persuasive competences for presenting information in a legal forum. Educators can also take advantage of the option of incorporating the mock trial experience as part of their curriculum. By exploring historical occurrences, perspectives and current events that engage students outside of the typical classroom experience.

Overall, the Law Day program has been well received by all of the participants - the students that are educated and the professionals that guide them. The Essex Vicinage Law Day committee strives each year to improve the program and encourages feedback on ways to improve future programs.

2020 Law Day Theme

“Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100.”

In 2019-2020, the United States is commemorating the centennial of the transformative constitutional amendment that guaranteed the right of citizens to vote would not be denied or abridged by the United States or any state on account of sex. American women fought for, and won, the vote through their voice and action. The women's suffrage movement forever changed America, expanding representative democracy and inspiring other popular movements for constitutional change and reform. Yet, honest reflection on the suffrage movement reveals complexity and tensions over race and class that remain part of the ongoing story of the Nineteenth Amendment and its legacies.

The Law Day 2020 theme urges all of us to explore these legacies while also encouraging citizens to exercise their rights and responsibilities as voters.

Excerpt from the American Bar Association Law Day website

https://www.americanbar.org/groups/public_education/law-day/

Retrieved 8/27/19

Creating a Courtroom

The room utilized for the mock trial should be arranged, as closely as possible, to resemble a real courtroom. The diagram below depicts the layout of an actual courtroom. Please consider these when arranging seating, tables, and placement of the participants for the mock trial at your school. The photos on the following pages are examples of courtroom set-up from past Law Day events.

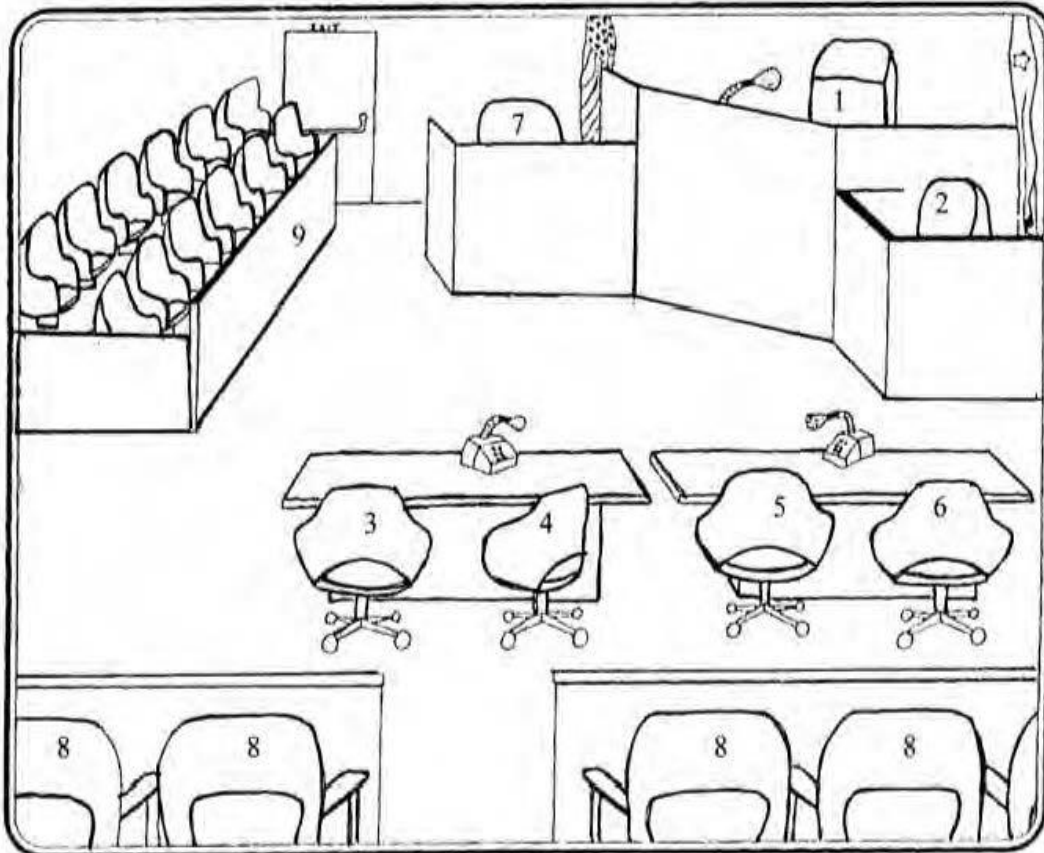
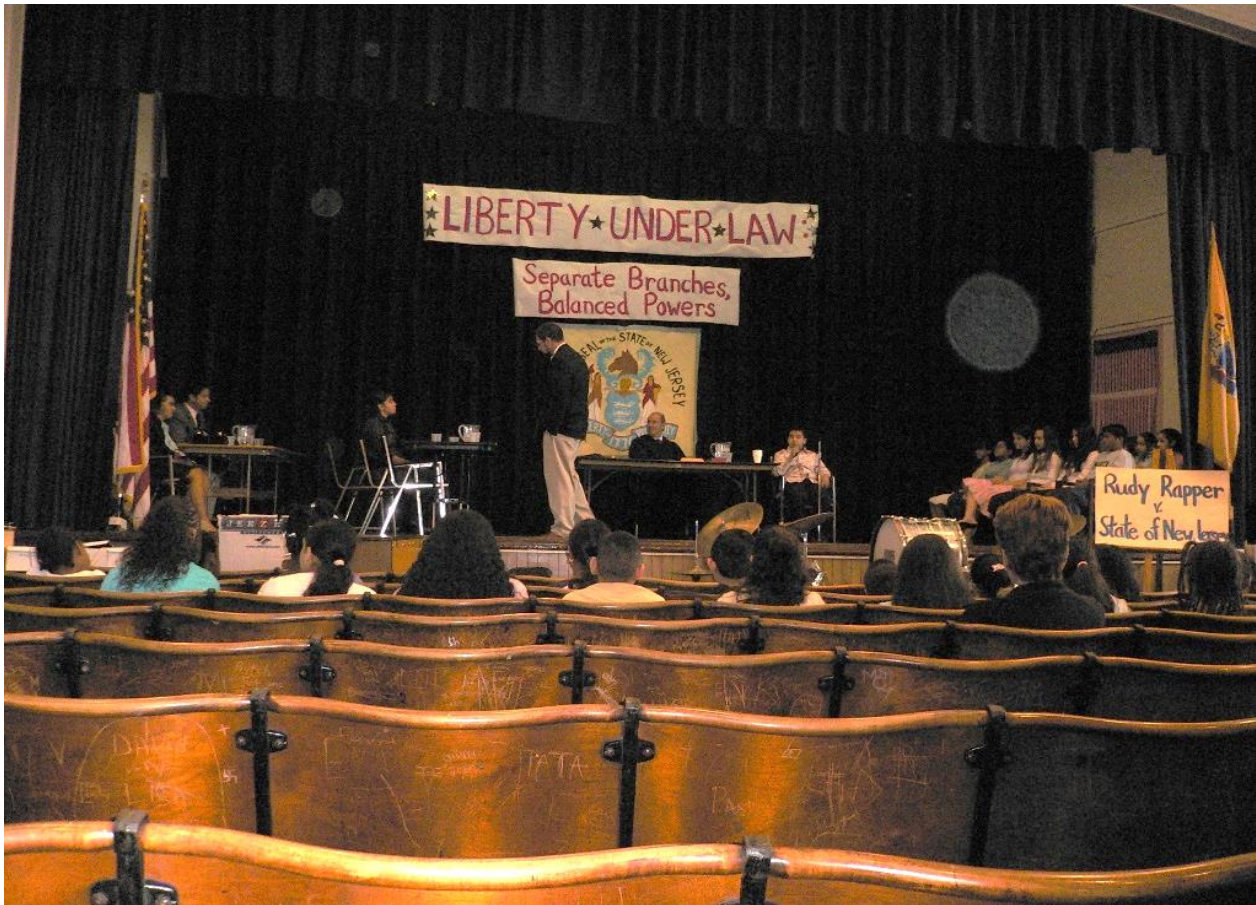


DIAGRAM NUMBER GUIDE

1. Judge
2. Court Clerk
3. Plaintiff
4. Attorney for Plaintiff
5. Attorney for Defendant
6. Defendant
7. Witness
8. Audience
9. Jury

Examples of Mock Trial Courtrooms



Examples of Mock Trial Courtrooms



Preparing for a Mock Trial

Reasons for Conducting a Mock Trial

Both teachers and students need to know why they are participating in this program. Knowing the reasons adds value to the time spent in or out of class and points the way to putting the experience in an important educational context. Teachers and students can add to the list of educational outcomes before, during and after they complete the mock trial exercise.

This strategy can be used with students at all ability levels and with students at multiple grade levels. Mock trials can also be used in disciplines such as social science, health, science, literature, history, ethics, religion, philosophy, world languages, etc. Including standards and goals that are part of an education agency connects the mock trial with important objectives of the state education plan.

There is one point to remember that applies to mock trials at any level, the goal of this activity is not the precise replication of an actual trial but a learning experience for you, your students and for any resource persons who may be helping your group. The emphasis should not be on perfection, but on a non-threatening exercise with plenty of time for debriefing. The debriefing will enable the class to review the key points in the trial and to better understand the entire experience including the skills needed to be successful. To put it in another way, remember that mock trials should be both fun and a learning experience.

Objectives

1. To promote increased confidence, poise, oral skills, critical thinking skills and teamwork skills, plus increase proficiency in basic skills such as reading, writing, speaking, analyzing and reasoning, and interpersonal skills such as listening and cooperating.
2. To give students a better understanding of the legal system - from the rules of evidence to proper court decorum. This exposure increases their awareness of the importance of law in a democratic society and strengthens understanding of their fundamental rights under the U.S. constitutions.
3. Provide a hands-on experience outside (or inside) the classroom from which students can learn about law, society, and themselves. To offer students an opportunity to think about how society resolves its disputes and to measure the fairness of those decisions.

Before the Mock Trial

Constitutional Principles

These principles form the core of democratic citizenship and they provide an opportunity to consider and act out procedures that ensure fairness in the judicial system.

- Rule of Law
- Presumption of Innocence
- Burden of Proof
- Due Process
- Rights of the Accused

Concepts of Justice, Authority, Responsibility

These large philosophical underpinnings of democracy are the foundations upon which legal systems are based. They stretch students' minds and offer opportunities to apply democratic principles to daily life.

What is a Trial? What is a Mock Trial?

Distinction between the two trials (real and mock) set the stage for adaptations in a classroom, which would not happen in a court of law. Students are not learning to be lawyers. They are learning to be thoughtful learners and effective citizens. It may be helpful to discuss the myths about trials perpetrated by television and film.

Courtroom Vocabulary

Taking the time to teach words that are used in trials such as witness statement, opening statement and closing arguments empowers students. Each trial has technical and scientific vocabulary that will also need to be defined and understood by students.

Courtrooms

The formality of the court emphasizes the seriousness of the judicial process and encourages citizens to have respect for this institution where peoples' lives are changed forever by judicial decisions. Students can demonstrate this respect through professional attire, appropriate language, courtesy such as rising when the judge enters and rising whenever the judge speaks to you ("Thank you, Your Honor"), learning how to talk to each other and to the adults in the court room and, never arguing with anyone during a trial. The "Creating a Courtroom" section of this guide provides a diagram of how to setup the courtroom and gives students a visual idea of how the system works. A discussion about who courtroom personnel are and their roles: judge, jury etc. will allow students to understand the role of the individuals who work in a court.

Scripted Mock Trial for Practice

Using a scripted mock trial gives students an understanding of the way a trial works so that they are competent and confident if they engage in a mock trial that is not scripted.

Select a Case

Deciding which case to use should include considerations such as the number of students, the goals of the class or club, if the group meets during school or at another time, particular interests of the students, availability of translated materials, the complexity of the witness statements and/or the opportunity to demonstrate the trial for an audience.

Preparing Students to Work Together

Students need to acquire the cooperative learning skills they will use in the mock trial. Providing sample exercises in working together for common goals may be helpful.

Selection of Roles

There are several ways to assign roles to the students: random selection, applications for each role, teacher decision, etc. There are ways to involve an entire classroom by assigning specific roles, depending on the type of case. Roles may include the following:

- Judge(s) – although one will be provided the day of the actual mock trial date, when practicing the teacher, an adult or a student may play the role.
- Defendant
- Plaintiff
- Witnesses – depending on the number of roles in the fact pattern and if there will be any back-ups.
- Lawyers for plaintiff and the defendant – will be provided for the day of the mock trial, but students may assume roles as co-counsel, if desired.
- Court clerk (1)
- Bailiff / Sheriff's Officer (1)
- Jurors - this can be assigned to whoever does not have a role, students from another class or audience.
- Other options: court reporter, courtroom artist and representative of the press. These are not necessary for the day of the mock trial but provide an opportunity for students to be involved.

After the Trial

Debrief After the Trial

A debriefing has two, possibly three, sections: (1) individual; (2) whole class; and (3) small working groups. During this time a role analysis can take place, allowing time for reflection. This gives students a chance to be insightful about their own performances and about what makes a mock trial worth doing. Always begin by asking students to talk about their successes first! For example, "If I could do this again, I would..." or "What did I learn from the mock trial?"

Resources

The following websites contain helpful information and resources for teachers and students to enhance the mock trial experience.

American Bar Association Law Day website

http://www.americanbar.org/groups/public_education/initiatives_awards/law-day.html

New Jersey State Bar Foundation website

<http://www.njsbf.org/>

Putting On Mock Trials (Guide) Created by the ABA (2002)

<http://www.classbrain.com/artteensm/uploads/mocktrialguide.pdf>

Sample Fact Patterns for Civil and Criminal

http://streetlaw.org/en/publications/free_mock_trials

Educational Resources

<http://constitutioncenter.org/learn/educational-resources/>

This Mock Trial Program Guide was prepared by the Essex Vicinage Law Day Committee. The section titled "Preparing for A Mock Trial" was adapted from the *Manual for Mock Trial*, referenced below. 2017 revised September 2019

Cover, M. and Marcus, S. (September 2009). *Manual for Mock Trial*. Classroom Law Project. Retrieved 3/15/17 from http://www.classroomlaw.org/files/posts-pages/resources/mock_trials/Mock_Trial_Manual.pdf.